

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION

UNITED STATES OF AMERICA

v.

(1) AGHORN OPERATING, INC., et al.

No. MO:22-CR-49-DC

**NOTICE OF SERVICE**

The United States hereby provides notice that it supplied discovery and other information to counsel for defendants as described below:

- By cover letter dated May 27, 2022, the United States made its first discovery production consisting of 26,396 documents. An index was also provided, containing Bates numbers, file names for electronic documents, folder names, and email native file information for the sender and the date.
- By email dated September 13, 2022, counsel for defendant Aghorn Operating, Inc., supplied questions to the United States regarding expert witnesses. Responsive information was provided to counsel for defendants that included:
  - A September 13, 2022, email from the United States (AGH-OPER-0053326);<sup>1</sup>
  - A September 14, 2022, email from expert Jim Kirksey (AGH-OPER-0049804);
  - A September 14, 2022, email from EPA expert Joe H. Lowry, Ph.D. (AGH-OPER-0049782);
  - A September 19, 2022, email from EPA expert Kristen Keteles, Ph.D. (AGH-OPER-0049810);
  - A September 21, 2022, email from EPA expert Jeremy Deyoe (AGH-OPER-0053324);

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<sup>1</sup> These are individualized Bates numbers associated with the documents.

- An October 7, 2022, email from expert Lane Hudgins (AGH-OPER 0050305).
- By cover letter dated September 20, 2022, the United States made its second discovery production consisting of 172 documents. An index was also provided, containing Bates numbers, file names for electronic documents, folder names, and email native file information for the sender and the date.
- By cover letter dated November 22, 2022, the United States made its third discovery production consisting of 366 documents. An index was also provided, containing Bates numbers, file names for electronic documents, folder names, and email native file information for the sender and the date.
- By letter dated November 22, 2022, the United States made its first expert disclosure, pursuant to Fed. R. Crim. P. 16(a)(1)(G).
- On December 13, 2022, the United States filed with the court a “Notice of Intent to Offer Intrinsic Evidence and Evidence Pursuant to Federal Rule of Evidence 404(b),” and an attached “Appendix” which were Documents 33 and 33-1, respectively. Both documents were filed using the CM/ECF filing system, which caused a copy to be delivered to counsel of record.
- By letter dated January 18, 2023, the United States made its second expert disclosure, pursuant to Fed. R. Crim. P. 16(a)(1)(G).
- By letter dated April 4, 2023, the United States made its third expert disclosure, pursuant to Fed. R. Crim. P. 16(a)(1)(G).
- By cover letter dated April 4, 2023, the United States made its fourth discovery production consisting of 355 documents. An index was also provided, containing Bates numbers, file names for electronic documents, folder names, and email native file information for the sender and the date.
- By email dated April 7, 2023, the United States provided 2 documents to counsel for defendants: AGH-OPER-0053324 and AGH-OPER-0053326.

Respectfully submitted,

TODD KIM  
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**Certificate of Service**

I certify that on April 7, 2023, I filed this document with the Clerk using the CM/ECF filing system, which will cause a copy of the document to be delivered to counsel of record.

By: /s/ Christopher J. Costantini  
CHRISTOPHER J. COSTANTINI  
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